

1 THE LAW OFFICES OF CHARLES D. NACHAND
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5

6 Attorneys for Sherill Johnston
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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

11 IN RE:

12 VACANT LAND LOCATED IN SAN
13 DIEGO COUNTY APNS 279-150-22 AND
280-140-10
14

Case No.: 3:08-CV-00455-W-BLM

**NOTICE OF FILING AND GENERAL
APPEARANCE**

15
16 Sherill Johnston, claimant and respondent herein, hereby provides notice and confirmation
17 of her timely filing of response and claim in the California State Superior Court action, San Diego
18 County, North County Branch (attaching a copy of the face page of the State Court response), and
19 Notice to all parties of her appearance in this District Court proceeding pursuant to the State
20 Court's Order removing the matter to Federal Court, and in confirmation of her (Johnston's)
21 representation and appearance in the telephonic Early Neutral Evaluation Conference under the
22 direction of the Magistrate Judge Barbara L Major on May 5, 2008.

23 Respectfully submitted.

24 Dated: May 7, 2008

LAW OFFICES OF CHARLES D. NACHAND

25
26 By 

Charles D. Nachand, Attorney for
Sherill Johnston
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1 Name of Case: In Re: Vacant Land Located in San Diego County, APNS 279-150-22 & 280-140-10
2 United State District Court, Southern District of California; Case No. 3:08-CV-00455-W-BLM

3
4 **DECLARATION OF SERVICE**

5 I, Sharon Lewis, declare as follows:

6 I am over the age of eighteen years and not a party to the case. I am employed in the County of San
7 Diego, California, where the mailing occurs; and my business address is 451 South Escondido
8 Boulevard, Escondido, CA 92025.

9 On May 7, 2008 served the foregoing document(s) described as: **NOTICE OF FILING AND
10 GENERAL APPEARANCE** on the interested parties in this action by placing a true copy thereof
11 enclosed in a sealed envelope addressed as follows:

12 **SEE ATTACHED MAILING LIST**

13 (X) BY MAIL. I am readily familiar with the firm's practice of collection and processing of
14 correspondence for mailing with the United States Postal Service, and that the correspondence
15 shall be deposited with the United States Postal Service this same day in the ordinary course
16 of business pursuant to *Code of Civil Procedure* §1013a.

17 () BY FAX. In addition to service by mail as set forth above, a copy of said document(s) were
18 also delivered by facsimile transmission to the addressee pursuant to *Code of Civil Procedure*
19 §1013(e).

20 () BY PERSONAL SERVICE. I hand-delivered said document(s) to the addressee pursuant to
21 *Code of Civil Procedure* §1011.

22 () BY EXPRESS MAIL. I caused said document(s) to be deposited in a box or other facility
23 regularly maintained by the express service carrier providing overnight delivery pursuant to
24 *Code of Civil Procedure* §1013(c)

25 Executed May 7, 2008 at Escondido, California.

26 I declare under the penalty of perjury under the laws of the State of California that the above is true
27 and correct.

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION**

10
11 IN RE:

12 VACANT LAND LOCATED in SAN
13 DIEGO COUNTY APNS 279-150-22 AND
14 280-140-10

) Case No.: 37-2007-00080647-CU-PT-NC
)
)

) **RESPONSE TO PETITION, CLAIMS,**
) **PRIORITY LIENS AND REQUEST FOR**
) **PAYMENT BY RESPONDENT**

) Date: March 21, 2008

) Time: 1:30

) Dept: 12

) Judge: Adrienne Orfield

15
16 Response to Petition, Identification of Priorities, Claims and Request for Payment by
17 Respondent SHERILL JOHNSTON.

18 **I**

19 **BACKGROUND**

20 This was an attempt by six people to purchase raw land and develop the same. It ended with
21 a foreclosure by the first deed of trust, resulting in the excess proceeds which are before this court.
22 Respondent herein, SHERILL JOHNSTON (herein after JOHNSTON) has an ownership claim, a
23 secured claim (deed of trust and judgement) and has a priority subrogated priority lien and claim
24 for payment on behalf of all owners under the foreclosed, purchase money first deed of trust.

25 The property was purchased by Respondent JOHNSTON with her then husband DENNY
26 JOHNSTON (now her ex husband - dissolution filed 4/04; entered 3/05). Together they own a
27 one-third interest. The co-purchasers of the property were MICHAEL and NANCY SPIKER as to
28 one-third, and DERRICK AND NICOLE SPIKER as to one-third. (DERRICK is the son of